

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 6, 2003

H025456 PEOPLE v. ROBINSON

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 6, 2003

H019727 PEOPLE v. NGUYEN, et al.

The judgments are affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed October 6, 2003

TUESDAY, OCTOBER 7, 2003

H025090 PEOPLE v. ORTA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed October 7, 2003

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Rushing,
P.J.; Elia, J.; Mihara, J.; and J. Michel Casique, Deputy Clerk.

H025009 PEOPLE v. SUPERIOR COURT; KIRBY

Cause called and argued by David J. Pandori, Deputy District
Attorney, appearing for Petitioner and by Guyton N. Jinkerson
appearing for Real Party in Interest. Cause ordered submitted.

Rushing, P.J. leaves the bench and Wunderlich, J. takes the
bench.

H024648 PEOPLE v. CRAFT, JR.

Cause called and argued by Paul Oliver Colin, Deputy
District Attorney, appearing for Appellant and by Craig M. Brown
appearing for Respondent. Cause ordered submitted.

H025318 In re QUINN C.; DFCS v. FRANCES L.

Cause called and argued by Janet G. Sherwood appearing for
Appellant and by Robert J. Masterson, Deputy District Attorney,
appearing for Minor and by Susan Ware, Deputy County Counsel,
appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, October 7, 2003 (continued)

H025801 In re QUINN C.; DFCS v. FRANCES L.

Cause called and argued by Janet G. Sherwood appearing for Appellant and by Robert J. Masterson, Deputy District Attorney, appearing for Minor and by Susan Ware, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H024969 SECURITY NATIONAL GUARANTY, INC. v. MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, et al.

Cause called and argued by Frederik A. Jacobsen appearing for Appellant and by Ellison Folk appearing for Respondents. Cause ordered submitted.

H024329 REHON & ROBERTS v. SUSAN MAHL

Cause called and argued by Peter M. Rehon appearing for Respondent and by John F. Schuck appearing for Appellant. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Wunderlich, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

H024137 PEOPLE v. WILRIDGE

Cause called and argued by William Robinson appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025304 In re ERNEST SMITH on Habeas Corpus

Cause called and argued by Julie L. Garland, Deputy Attorney General, appearing for Appellant and by Steve Defilippis appearing for Respondent. Cause ordered submitted.

H025185 PATEL v. PATEL, et al.

Cause called and argued by John Viljoen appearing for Appellant and by Lawrence E. Biegel appearing for Respondents. Cause ordered submitted.

H025175 SMITH, et al. v. MONTEREY HIGH SCHOOL, et al.

Cause called and argued by Kathleen Mary Clack appearing for Appellants and by Mark A. Cameron appearing for Respondents. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Tuesday, October 7, 2003 (continued)

H024972 PEOPLE v. GOMEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., and Wunderlich, J.)
Filed October 7, 2003

H024933 PEOPLE v. CONNER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; I concur in the judgment only: Rushing, P.J., with concurring opinion; I concur: Premo, J.)
Filed October 7, 2003

H023877 PEOPLE v. TRAN

By the Court*:

Appellant's petition for rehearing is denied.
Filed: October 7, 2003
*Before Rushing, P.J., Premo, J. and Bamattre-Manoukian, J.

WEDNESDAY, OCTOBER 8, 2003

H022610 ENG v. SANTA CLARA VALLEY WATER DISTRICT

The judgment of nonsuit is affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 8, 2003

H024797 PEOPLE v. APODACA

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed October 8, 2003

THURSDAY, OCTOBER 9, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

H025334 EHTERIDGE v. SUPERIOR COURT OF SANTA CLARA COUNTY

Cause called with Dennis Lempert appearing for Petitioner and William M. Kuimelis, Deputy Attorney General appearing for Real Party in Interest. Counsel waive oral argument and the cause is ordered submitted.

Elia, J. steps down and Bamattre-Manoukian, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, October 9, 2003 (continued)

H024686 PEOPLE v. DANG

Cause called and argued by Carlo Andreani appearing for Appellant and by Lisa Ashley-Ott, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024270 FORTE v. CRABB, et al.

Cause called and argued by Appellant Eugene Forte appearing in pro per and by Dennis G. McCarthy appearing for Respondents. Cause ordered submitted.

H025149 ROW v. D.P.R. CONSTRUCTION, INC.

Cause called and argued by John McBride appearing for Appellant and by Steven D. Werth appearing for Respondent. Cause ordered submitted.

Filed October 9, 2003

H024940 MARRIAGE OF GALLOWAY

Cause called and argued by Bruce Janke appearing for Appellant and by Bernard N. Wolf appearing for Respondent. Cause ordered submitted.

Bammattre-Manoukin, J. and Premo, J. step down and Wunderlich, J. and Mihara, J. take the bench.

H025054 CANLIS, as District Attorney, etc. v. CIVIL SERVICE COMMISSION OF SANTA CRUZ COUNTY; JOHNSON

Cause called and argued by Pamela Fyfe, Assistant County Counsel, appearing for Appellant and by Martin J. Fraser appearing for Respondent Johnson. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Wunderlich, J.; Mihara, J.; and Jane Valdez Flor, Deputy Clerk.

H023236 PEOPLE v. MELGOZA

Cause called and argued by David D. Carico appearing for Appellant and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, October 9, 2003 (continued)

H024455 PEOPLE v. KIBLER, et al.

Cause called and argued by Alan Yockelson appearing for Appellant Kibler and by Jonathan Grossman appearing for Appellant Leggett and by Margo J. Yu, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024942 KUSHNIR, et al. v. DAVI

Cause called and argued by Michael W. Donahu appearing for Appellants and by Hugo N. Gerstl appearing for Respondent. Cause ordered submitted.

H024831 PEOPLE v. PULLEY

Cause called and argued by Jeffrey A. Schafer appearing for Appellant and by Gregg E. Zywicke, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024943 ROSSI v. SALINAS CITY ELEMENTARY SCHOOL DISTRICT, et al.

Cause called and argued by Mark A. Cameron appearing for Appellants and by Michelle A. Welsh appearing for Respondent. Cause ordered submitted. Court is adjourned.

H024041 PEOPLE v. GARZA

The defendant's convictions of auto theft and receiving stolen property are reversed. If the people do not timely elect to retry the defendant on a theory permitting dual conviction, the trial court shall reinstate only the conviction for violation of Vehicle Code section 10851. We also remand this matter to the trial court for consideration of the applicability of sections 2900.5 and 4019 to the time period of December 27, 2000, through January 3, 2001, and order it to produce its analysis of this issue for the record and an amended abstract of judgment if appropriate. In all other respects the judgment is affirmed. (published)

(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)

Filed October 9, 2003

H024430 PEOPLE v. BADILLO

The judgment is reversed and the matter is remanded for the limited purpose of resentencing (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed October 9, 2003

Sixth Appellate District

San Jose, California

Thursday, October 9, 2003 (continued)

H025087 PEOPLE v. ALCOVER

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 9, 2003

FRIDAY, OCTOBER 10, 2003

H024414 PEOPLE v. FRITZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed October 10, 2003

H024717 PEOPLE v. CANTU, JR.

The judgment is affirmed. (published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed October 10, 2003

H025631 PEOPLE v. MARTIN M.

By the Court:

On the court's own motion, the record on appeal is ordered augmented to include a reporter's transcript of the proceedings of December 19, 2002 (C. Hyde, C.S.R.).

The trial court is directed to forward the original or a certified copy of the foregoing material to this court within **20 days** and copies shall be mailed to: Ronald E. Niver, Office of the Attorney General, 455 Golden Gate Avenue, Room 11,000, San Francisco, CA 94102, and to Paul Couenhoven, Sixth District Appellate Program, 100 N. Winchester Blvd., Suite 310, Santa Clara, CA 95050.

The submission order filed September 4, 2003, is hereby vacated. The matter will be resubmitted upon filing of the augmented transcript.

Dated October 10, 2003

MIHARA, ACTING P.J.

Sixth Appellate District

San Jose, California

Friday, October 10, 2003 (continued)

H022866 PEOPLE v. STEVENS

We modify the judgment by striking the convictions for kidnapping in counts 3, 4, and 5 and the sentences imposed on those counts as well as the enhancements under section 12022.5, subdivision (a) that were alleged in connection with the kidnapping counts. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a new abstract of judgment reflecting the modifications and convictions for second, not first, degree robbery. (not published)
(Wunderlich, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 10, 2003

H024935 PEOPLE v. CHRISTOPHER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 10, 2003